

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/830,091

### **REMARKS**

Claims 8-14 and 34-36 have been examined. Claims 8, 9, 11 and 34-36 have been rejected under 35 U.S.C. § 102(b) and claims 12-14 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claim 10 contains allowable subject matter.

#### **I. Preliminary Matters**

The Examiner has requested the Applicant to correct any errors in the specification. At this time, Applicant is not aware of any errors therein.

#### **II. Rejections under 35 U.S.C. § 102(b) in view of Sugahara (US 5,933,169)**

The Examiner has rejected claims 8, 9, 11 and 34-36 under 35 U.S.C. § 102(b) as allegedly being anticipated by Sugahara.

##### **A. Claim 8**

Applicant submits that claim 8 is patentable over the cited reference. For example, claim 8 recites, “a plurality of elastic members, each of which is elongated in a first direction so as to have a first face and a second face, such that a plurality of first and second faces are provided, the elastic members being arrayed in a second direction perpendicular to the first direction; a first film member, commonly joined to the first face of each of the elastic members; and a second film member, commonly joined to the second face of each of the elastic members.”

The Examiner maintains that element 12 of Sugahara discloses the claimed elastic members, element 3 discloses the claimed first film member and element 41 discloses the claimed second film member. As an initial matter, Applicant notes that elements 12 of Sugahara

are actually ink chambers (i.e., they are hollow). Therefore, the ink chambers 12 do not constitute an “elastic member.”

Regardless of the above, and even if Applicant assumes *arguendo* that the side walls 11 of the ink chambers 12 are deformable, such that the side walls 11 disclose the claimed elastic members, the reference would still fail to teach or suggest the claimed invention. For example, as set forth above, claim 8 recites that a plurality of first and second faces are provided, i.e., a first and second face for each elastic member. On the other hand, as shown in Figure 3 of Sugahara, the side walls 11 each have a first upper face. There is, however, no separate second lower face that is commonly joined to the alleged second film member 41. Rather, the side walls 11 are formed integral, at each base, with the actuator plate 2. As shown, the alleged second film member 41 is joined to the single, common base of the actuator plate 2 itself, rather than a plurality of second faces of each of the side walls 11.

Furthermore, the alleged first film member 3 is formed of a “cover plate,” and the alleged second film member 41 is formed of a “driving substrate” (col. 1, lines 34-36). Applicant submits that the cover plate 3 and the driving substrate 41 of Sugahara are rigid members and therefore do not disclose a type of “film” member.

At least based on the foregoing, Applicant submits that claim 8 is patentable over the cited reference and respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claims 9, 11 and 34-36**

Since claims 9, 11 and 34-36 are dependent upon claim 8, Applicant submits that such claims are patentable at least by virtue of their dependency.

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/830,091

**III. Rejections under 35 U.S.C. § 103(a) in view of Sugahara and Umezawa (US  
5,025,270)**

The Examiner has rejected claims 12-14 under 35 U.S.C. § 103(a) in view of Sugahara and Umezawa. However, since claims 12-14 are dependent upon claim 8, and Umezawa fails to cure the deficient teachings of Sugahara, in regard to claim 8, Applicant submits that claims 12-14 are patentable at least by virtue of their dependency.

**IV. Allowable Subject Matter**

As set forth above, the Examiner had indicated that claim 10 contains allowable subject matter.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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U.S. Application No. 10/830,091

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Respectfully submitted,

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